

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ANTHONY BROOKS,

4 Plaintiff

Case No. 3:20-cv-00204-MMD-WGC

ORDER

5 v.

6 NEVADA DEPARTMENT OF
7 CORRECTIONS,

8 Defendant

9 **I. DISCUSSION**

10 On April 2, 2020, Plaintiff, an inmate in the custody of the Nevada Department of
11 Corrections ("NDOC"), submitted a notice of complaint. (ECF No. 1-1). Plaintiff has not
12 filed a complaint or an application to proceed *in forma pauperis* in this matter.

13 Under Federal Rule of Civil Procedure 3, "[a] civil action is commenced by filing a
14 complaint with the court." Fed. R. Civ. P. 3. As such, the Court grants Plaintiff until **June**
15 **2, 2020** to submit a complaint to this Court.

16 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin
17 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil
18 action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the
19 inmate must submit all three the following documents to the Court:

20 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this
21 Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on
22 page 3),

23 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
24 official (i.e. page 4 of this Court's approved form), and

25 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
26 **previous six-month period**.

27 The Court will grant Plaintiff a **one-time** opportunity to file a complaint and a fully
28 complete application to proceed *in forma pauperis* containing all three of the required

1 documents, or in the alternative, pay the full \$400 filing fee for this action on or before
2 **June 2, 2020**. Absent unusual circumstances, the Court will not grant any further
3 extensions of time. If Plaintiff is unable to file a complaint and a fully complete application
4 to proceed *in forma pauperis* with all three required documents or pay the full \$400 filing
5 fee on or before **June 2, 2020**, the Court will dismiss this case without prejudice for
6 Plaintiff to file a new case with the Court when Plaintiff is able to file a complaint and able
7 to acquire all three of the documents needed to file a fully complete application to proceed
8 *in forma pauperis* or pay the full \$400 filing fee. To clarify, a dismissal without prejudice
9 means Plaintiff does not give up the right to refile the case with the Court, under a new
10 case number, when Plaintiff is able to file a complaint and has all three documents needed
11 to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may
12 choose not to file an application to proceed *in forma pauperis* and instead pay the full
13 filing fee of \$400 on or before **June 2, 2020** to proceed with this case.

14 **II. CONCLUSION**

15 For the foregoing reasons, IT IS ORDERED that Plaintiff will submit a complaint to
16 this Court on or before **June 2, 2020**.

17 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
18 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The
19 Clerk of the Court will also send Plaintiff a copy of his notice of complaint. (ECF No. 1-
20 1).

21 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
22 approved form application to proceed *in forma pauperis* by an inmate, as well as the
23 document entitled information and instructions for filing an *in forma pauperis* application.

24 IT IS FURTHER ORDERED that on or before **June 2, 2020**, Plaintiff will either pay
25 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
26 administrative fee) or file with the Court:

- 27 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
28 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two

1 signatures on page 3),

2 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
3 official (i.e. page 4 of this Court's approved form), and

4 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
5 **previous six-month period.**

6 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully
7 complete application to proceed *in forma pauperis* with all three documents or pay the full
8 \$400 filing fee for a civil action on or before **June 2, 2020**, the Court will dismiss this action
9 without prejudice for Plaintiff to refile the case with the Court, under a new case number,
10 when Plaintiff is able to file a complaint and has all three documents needed to file a
11 complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

12 DATED: April 3, 2020

13 William G. Cobb

14 UNITED STATES MAGISTRATE JUDGE
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